

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 994

Introduced by Assembly Member Fong

February 27, 2009

An act to amend Section 905.1 of the Government Code, relating to ~~government liability~~ *add Section 40512 to the Public Resources Code, relating to buildings.*

LEGISLATIVE COUNSEL'S DIGEST

AB 994, as amended, Fong. ~~Government tort claims; inverse condemnation.~~ *Buildings: Integrated Waste Management Board.*

Under the California Integrated Waste Management Act, the Integrated Waste management Board is responsible for carrying out the act to reduce, recycle, and reuse solid waste generated in the state to the maximum extent feasible in an efficient and cost-effective manner.

This bill would require the board to identify policy changes that may accelerate adoption of high performance building practices, as well as create educational training centers in state government and higher education facilities. This bill would provide that the board is required to carry out these provisions to the extent that funding is obtained from local, federal, public, or other nonstate sources.

~~Existing law bars a suit for money or damages against a public entity on a cause of action for which a claim is required to be presented, until a written claim therefor has been presented to the public entity and acted upon by the Victim Compensation and Government Claims Board, the governing body of a local public entity, or the judicial council, as applicable, or has been deemed to have been rejected, except as specified. No claim is required to be filed to maintain an action against~~

a public entity for the taking of, or damage to, private property pursuant to eminent domain:

~~This bill would make technical, nonsubstantive changes to the latter provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40512 is added to the Public Resources
2 Code, to read:

3 40512. (a) This section shall be known as the Smart Building
4 Educational and Career Training Center Act and is intended to
5 assist in developing technology-enabled smart buildings.

6 (b) The board shall identify policy changes that may accelerate
7 adoption of high performance building practices, as well as create
8 educational training centers in state government and higher
9 education facilities.

10 (c) It is the policy of the state to, as far as feasible, expand the
11 smart building concept to the construction of public and private
12 institutions, including, but not limited to, universities, hospitals,
13 community centers, and correctional facilities.

14 (d) The board shall carry out this section only to the extent that
15 sufficient funding, as determined by the Department of Finance,
16 is obtained from local, federal, public, or other nonstate sources
17 in order to implement the program.

18 SECTION 1. ~~Section 905.1 of the Government Code is~~
19 ~~amended to read:~~

20 905.1. ~~No claim is required to be filed to maintain an action~~
21 ~~against a public entity for the taking of, or damage to, private~~
22 ~~property pursuant to Section 19 of Article I of the California~~
23 ~~Constitution.~~

24 ~~However, the board shall, in accordance with the provisions of~~
25 ~~this part, process any claim that is filed against a public entity for~~
26 ~~the taking of, or damage to, private property pursuant to Section~~
27 ~~19 of Article I of the California Constitution.~~